



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of
Embil *et al.*

Serial No.: 10/761,390

For: Topical Pharmaceutical and/or
Cosmetic Dispense Systems

Filed: January 22, 2002

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: Group Art Unit 1615
: Examiner Channavajjala
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the provisions of 37 C.F.R. § 1.97 and 1.98, Applicants submit herewith form PTO/SB/08a for consideration by the Examiner. By submitting this Information Disclosure Statement, Applicants make no admission that any item listed thereupon is material to the patentability of the invention claimed in the above-entitled patent application. Further, Applicants make no assertion hereby that a search was conducted, or if conducted, that any such search was thorough. Copies of two foreign published patent applications (WO 01/91726 and CA 2,015,111) are enclosed. Also enclosed is a copy of the Examination Report issued by the European Patent Office as well as a copy of the corresponding International Preliminary Report on Patentability conducted by the EPO.

Applicants respectfully request that the Examiner indicate consideration of the presently cited references by returning the enclosed Form 1449 bearing the Examiner's initials and the date considered.

No fee is believed due in connection with this communication in accordance with 37 C.F.R. § 1.97(b) (1).

Dated: April 2, 2009

Respectfully submitted,
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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I, Rose Pueraro, certify that on April 2, 2009 the following documents are being deposited with the US Postal Service via Express Mail (EB 457937285 US) in an envelope addressed to:

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



- Form PTO/SB/30 – Request for Continued Examination (1 page)
- Response to Final Office Action Mailed October 2, 2008 (11pages)
- Form PTO/SB/22 – Petition for Extension of Time (1 page)
- Form PTO-2038 – Credit Card Payment (1 page)
- Declaration of Sergio Nacht, Ph.D. (3 pages)
- Information Disclosure Letter (1 page)
- Form PTO/SN/08a – Information Disclosure Statement (1 page)
- Foreign Patent Reference – WO 01/91726 (58 pages)
- Foreign Patent Reference – XCA (69 pages)
- Foreign Patent Reference – EPO Examination Report and Search Report for European Patent Application 04 704 643.8 (13 pages)

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